

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED & INSPECTED

FEB 27 2003

FCC - MAIL ROOM

In the Matter of)

Amendment of Section 73.622(b),
Table of Allotments,)Digital Television Broadcast Stations)
Fort Myers, Florida)MM Docket No. 00-180
RM-9956To: Chief, Video Division
Media Bureau

**OPPOSITION TO PETITION FOR RECONSIDERATION
OF CALOOSA TELEVISION CORPORATION**

Fort Myers Broadcasting Company ("FMBC") opposes the Petition for Reconsideration filed December 20, 2002 by Caloosa television Corporation ("Caloosa"). Therein, Caloosa claims that (a) it is the licensee of Class A television station WBSP-LP, Naples, Florida; (b) that operation of WINK-DT, Fort Myers, Florida on DTV Channel 9 will cause destructive interference to WBSP-LP; and (c) that the Reuort and Order² in this proceeding modified the license of WBSP-LP without notice and an opportunity for hearing.

FMBC submits that Caloosa is not the licensee of Station WBSP-LP because the license of WBSP-LP was automatically forfeited on August 7, 1999, when the station failed to broadcast for a period of one year. Specifically, in August, 1999, Station WBSP-LP was licensed to operate from

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This call sign has been changed to WBSP-CA, but for purposes of continuity, the station is hereafter referred to as WBSP-LP.

DA-02-3154, released November 20, 2002 (hereinafter the "Reuort and Order")

the roof of a condominium located at 4451 Gulf Shore Boulevard North, Naples, Florida.’ The station had ceased operations August 8, 1997 and, by March 31, 1998, had lost its licensed transmitter site.⁴ On July 16, 1998, Caloosa applied for an STA to operate WBSP-LP from a temporary site located at the headend of the Naples, Florida cable television system.’ This STA request was granted July 23, 1998 for the period ending January 23, 1999.⁶

Station WBSP-LP commenced operations at the Naples cable headend on July 31, 1998, and stopped transmitting seven days later, on August 7, 1998. The reason Caloosa gave for taking WBSP-LP off the air was that WBSP-LP’s temporary facilities caused interference to the Naples cable television system.’

As previously noted, WBSP-LP’s July 23, 1998, STA expired on January 23, 1999. During the period from January 23, 1999 through June 20, 2000, Station WBSP-LP had no authority to operate. It had lost its licensed site. It’s STA had expired and the temporary facilities Caloosa had constructed interfered with the Naples cable television system. This seventeen month lapse of operating authority requires forfeiture of WBSP-LP’s license under the provisions of Section 312(g)

3

See Broadcast Station License, BLTVL-930408IC.

4

See License Renewal Application, BRTVL-980331AW, appended hereto as Exhibit A.

5

See Letter dated July 16, 1998, from Dennis J. Kelly to Federal Communications Commission, appended hereto as Exhibit B.

6

See Letter dated July 23, 1998, from Hossein Hashemzadeh, Supervising Engineering, LPTV Branch to Tamiami Fort Myers, Inc., appended hereto as Exhibit C.

7

See Letter dated September 10, 1998, from Dennis J. Kelly to Federal Communications Commission, appended hereto as Exhibit D.

of the Communications act of 1934, as amended (the “Communications Act”).⁸

FMBC notes that Caloosa filed a letter with the Commission claiming that Station WBSP-LP was on the air from June 14 to June 22, 1999.⁹ However, Caloosa’s letter was mistaken. No facilities authorized to WBSP-LP were in operation in June 1999. Caloosa apparently transmitted an unauthorized signal over unauthorized facilities and claimed to be operating Station WBSP-LP. However, operating an unauthorized transmitting facility in violation of Section 301 of the Communications Act is not the same as operating a broadcast station, and is certainly not an appropriate means of avoiding the automatic license forfeiture provisions of Section 312(g) of the Communications Act. Station WBSP-LP’s license ceased to exist on August 7, 1999, after the station failed to transmit for one year.

Even if WBSP-LP’s license had not been previously forfeited, Caloosa’s claims with respect to Section 316 of the Communications Act would still be incorrect. Caloosa has been given notice and an opportunity to be heard on the issue of WBSP-LP’s Class A status. This notice and opportunity were given in the reconsideration proceeding on WBSP-LP Class A license application, FCC File No. BLTVA-20010712AIK. The pleading cycle in that proceeding was completed in September 2001 and all that is required is a ruling from the Media Bureau to resolve that matter. The record in that reconsideration proceeding amply justifies the Report and Order’s conclusion that

8

Section 312(g) of the Communications Act, 47 USC §312(g) provides: “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary.”

9

See Letter dated July 30, 1999, from Dennis J. Kelly to Federal Communications Commission, appended hereto as Exhibit E.

WBSP-LP was never eligible for Class A status."

In view of the foregoing, FMBC asks that Caloosa's petition for reconsideration be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Belisle".

Joseph A. Belisle

Counsel for Fort Myers Broadcasting Company

February 26, 2003

Leibowitz & Associates, P.A.
One SE Third Avenue, Suite 1450
Miami, FL 33131
(305) 530-1322

In this connection, FMBC submits that eligibility for Class A status required that LPTV stations provide a superior level of programming service during the 90-day period prior to November 29, 1999, the date the Community Broadcasters Protection Act of 1999 was enacted. Station WBSP-LP was off-the-air and provided absolutely no service during this relevant period.

CERTIFICATE OF SERVICE

I, Maria I. Priede, hereby certify that I have this 26th day of February, 2003, caused a copy of the foregoing "Opposition to Petition for Reconsideration of Caloosa Television Corporation" to be delivered by U.S. First Class Mail, postage prepaid, to the following:

Jennifer A. Johnson
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Post-Newsweek Stations, Florida, Inc.

Kevin F. Reed, Esq.
Dow Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Avenue, NW, Suite 800
Washington, DC 20036
Counsel for Cox Broadcasting, Inc.

John R. Feore, Jr., Esq.
Dow Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW, Suite 800
Washington, DC 20036
Counsel for Media General Communications, Inc.

Dennis J. Kelly, Esq.
Law Offices of Dennis J. Kelly
Post Office Box 41 177
Washington, DC 20018
Counsel for Caloosa Television Corporation



Maria I. Priede

Exhibit A

FOR
FCC
USE
ONLY

FCC 303-S

APPLICATION FOR

**FOR AM, FM, TV,
TRANSLATOR OR
LPTV STATION**

FOR COMMISSION USE ONLY

FILE NO.

BrtvL-980331 AW

AM, FM and TV APPLICANTS MUST COMPLETE AND SUBMIT SECTIONS I, II, III AND V ONLY

FM TRANSLATOR, TV TRANSLATOR and LPTV APPLICANTS MUST COMPLETE AND **SUBMIT** SECTIONS I, II, IV AND V ONLY.

IF APPLICATION IS FOR RENEWAL OF LICENSES FOR BOTH A PRIMARY STATION and A CO-OWNED TRANSLATOR WHICH REBROADCASTS THE PRIMARY STATION'S SIGNAL, APPLICANT MUST COMPLETE AND SUBMIT SECTIONS I, II, III, N AND V.

SECTION I (FEE INFORMATION) - TO BE COMPLETED BY ALL APPLICANTS

1 PAYOR NAME (Last, First, Middle Initial) MIAMI FORT MYERS, INC.													
MAILING ADDRESS (Line 1) (Maximum 35 characters) Post Office Box WKPT													
MAILING ADDRESS (Line 2) (Maximum 35 characters)													
CITY Kingsport		STATE OR COUNTRY (if foreign address) TN	ZIP CODE 37662										
TELEPHONE NUMBER (include area code) 423-246-9578		CALL LETTERS WBSP-LP	OTHER FCC IDENTIFIER (IF APPLICABLE)										
FEE DUE FOR FEE TYPE													
\$ 45.00													
(2)	(A)	(B)	(C)										
	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					<table border="1"><tr><td>\$</td><td></td></tr></table>	\$		FOR FCC USE ONLY
\$													
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) AND (2). AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.					TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$ 45.00	FOR FCC USE ONLY							

SECTION II - TO BE COMPLETED BY ALL APPLICANTS

1. NAME OF LICENSEE OF AM, FM OR TV STATION	NAME OF LICENSEE OF FM OR TV TRANSLATOR OR LOW POWER TV STATION
	Tamiami Fort Myers, Inc.

MAILING ADDRESS Post Office Box WKPT		
CITY Kingsport	STATE TN	ZIP CODE 37662

2. This application is for: ☒ Commercial ☐ Noncommercial
- (a) ☐ AM ☐ FM ☐ TV

City	State
------	-------

- (b) ☐ FM Translator ☐ TV Translator ☒ Low Power T V

Call Letters		
SP-LP	City Naples	State Florida
Call Letter	Area Licensed to Serve	
	City	State

3. Attach as an Exhibit an identification of any FM booster or TV booster station for which renewal of license is also requested.

Exhibit No.

Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☒ Yes ☐ No

If No, attach as an Exhibit an explanation

Exhibit No.

--

5. Since the filing of the applicant's last renewal application or any other application for the subject station(s), has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☒ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

Exhibit No.

--

6. Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute?

☐ Yes ☒ No

NOTE Licensees of FM translator stations operating with an effective radiated power (ERP) of 100 watts or less are exempt only from the RF radiation requirements in 47 C.F.R. Section 1.1307. All other requirements of the rule must be met.

If Yes, attach as an Exhibit an Environmental Assessment, as required by 47 C.F.R. Section 1.1311.

Exhibit No.

--

☒ Explanation attached

See Exhibit No. 1 for explanation

SECTION IV: TO BE COMPLETED BY FM TRANSLATOR, TV TRANSLATOR and LPTV APPLICANTS ONLY

Is the applicant's station currently operating and rebroadcasting the signal of an FM, TV or LPTV station?

☐ Yes ☐ No

If Yes, identify the station being rebroadcast:

Call Sign	Channel No.	City of License/Area Served

If No, attach **as** an Exhibit a statement of explanation, including the steps the applicant intends to take to resume operations.

Exhibit No.
2

2. Is the station being rebroadcast licensed to either the applicant or a commonly controlled entity?

☐ Yes ☐ No

not applicable

If No, has the required retransmission consent been obtained?

☐ Yes ☐ No

If No, attach as an Exhibit an explanation.

Exhibit No.
n/a

3. Is the station being rebroadcast the same station **as** previously notified?

☐ Yes ☐ No

not applicable

If No, attach as an Exhibit an explanation, including **an** identification of the station that was previously rebroadcast.

Exhibit No.
n/a

FOR LOW POWER TV APPLICANTS ONLY:

Have the Broadcast Station Annual Employment Reports (FCC Form 395-B) been filed with the Commission **as** required by 47 C.F.R. Section 73.3612?

☒ Yes ☐ No

If No, attach as an Exhibit an explanation.

Exhibit No.
--

5. **FOR FM TRANSLATOR APPLICANTS ONLY:**

not applicable

(a) Is the applicant in compliance with 47 C.F.R. Section 74.1232(d) which prohibits the common ownership of a commercial primary station and an FM translator station whose coverage contour extends beyond the protected contour of the commercial primary station being rebroadcast? This restriction **also** applies to any person or entity having any interest in, or any connection with, the primary FM station.

☐ Yes ☐ No

If No, attach **as** an Exhibit an explanation.

Exhibit No.

(b) Is the applicant in compliance with 47 C.F.R. Section 74.1232(e) which prohibits an FM translator station whose coverage contour extends beyond the protected contour of the commercial primary station being rebroadcast from receiving any support (except for specified technical assistance), before, during or after construction, directly or indirectly, from the primary station or any person or entity having any interest in, or any connection with, the primary station?

☐ Yes ☐ No

If No, attach **as** an Exhibit an explanation

Exhibit No.
--

SECTION V TO BE COMPLETED BY ALL APPLICANTS

FOR AM, FM OR TV APPLICANTS ONLY Applicant has attached Sections I, II, III, and V only.

☐ Yes ☐ No

FOR FM TRANSLATOR, TV TRANSLATOR OR LPTV APPLICANTS ONLY: Applicant has attached Sections I, II, IV and V only.

☒ Yes ☐ No

FOR CO-OWNED TRANSLATOR AND PRIMARY STATION APPLICANTS ONLY:

Applicant has attached Sections I, II, III, IV and V.

☐ Yes ☐ No

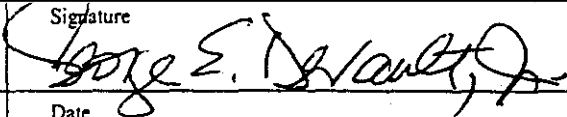
The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).
2. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

☒ Yes ☐ No

Name	Signature
MIAMI FORT MYERS, INC.	
Title	Date
President	27 MARCH 1998

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503))

STATEMENT CONCERNING ENVIRONMENTAL IMPACT

I have examined the Commission's environmental requirements in 47 C.F.R. §1.1307 as outlined in: (1) Appendix A to OET Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields (Edition 97-01, August, 1997); (2) Section 3, "Television Broadcast Stations", to Supplement A: Additional Information for Radio and Television Broadcast Stations" (Edition 97-01); and (3) the "General Environmental Worksheet contained on page 23 of the License Renewal Booklet" (November, 1997 edition). Based on the foregoing, I have determined that operation of our facilities will not have a significant environmental impact as defined by Section 1.1307, which includes consideration of the exposure of workers or the general public to levels of Radio Frequency radiation exceeding identified guidelines adopted by the Federal Communications Commission.

TAMiami FORT MYERS, INC.

By George E. DeVault, Jr.
George E. DeVault, Jr.
President

DATED 27 MARCH 1998

TAMIAMI FORT MYERS, INC.
WBSP-LP, NAPLES, FLORIDA
FCC FORM 303-S
EXHIBIT NO. 2

In response to question 1 of Section IV of FCC Form 303-S, WBSP-LP, Channel 9, Naples, Florida last operated on August 8, 1997. Since that time WBSP-LP has lost its transmitter site. WBSP-LP will be filing a request for a Special Temporary Authorization to operate from a different transmitter site, so that the station can return to the air on or prior to August 7, 1998, to avoid losing the station's license by operation of 47 U.S.C. §312(g).

Exhibit B

FCC/MELLON
Law Office of
DENNIS J. KELLY
Post Office Box 6648
Annapolis, Maryland 21401

JUL 16 1998

DUPLICATE

MEMBER, DISTRICT OF COLUMBIA BAR ONLY;
PRACTICE LIMITED TO FEDERAL COMMUNICATIONS LAW

TELEPHONE: 888-322-5291
202-293-2300

TELECOPIER: 410-626-1794
E-MAIL: dkellyfcclaw1@msn.com

July 16, 1998

BY COURIER TO FCC/MELLON BANK

**EXPEDITED ACTION REQUESTED—SILENT STATION SEEKS
SPECIAL TEMPORARY AUTHORIZATION TO RETURN TO THE AIR**

Federal Communications Commission
Mass Media Services
Post Office Box 358185
Pittsburgh, PA 15251-5185

RECEIVED
JUL 21 4 04 PM '98
FBI

RE: WBSP-LP, Naples, Florida
Special Temporary Authorization
Request

Gentlemen:

On behalf of Tamiami Fort Myers, Inc. (TFMI), there is transmitted herewith in triplicate a request for Special Temporary Authorization for Low Power Television Station WBSP-LP, Channel 9, Naples, Florida, to temporarily operate with facilities from a different transmitter site, in order to return to the air on or before August 7, 1998 and thereby avoid the consequences of 47 U.S.C. §312(g).

Station WBSP-LP last operated on August 8, 1997. Thereafter, it lost its transmitter site. TFMI has found a new transmitter site from which WBSP-LP can operate on a temporary basis, located at 301 Tower Road in Naples, Florida, coordinates 26-03-08 North and 81-42-02 West. The proposed operating parameters are fully stated in the attached technical statement of consulting radio engineer Jules Cohen, P. E., whose qualifications are well known to the Commission.

Station WBSP-LP (originally known as W09BS) has been licensed to TFMI (and its commonly owned predecessor, Caloosa Television Corporation) since 1990. When operational, it has

Federal Communications Commission
July 16, 1998
Page Two

served the public interest by broadcasting independent television programming (along with co-owned WEW-LP, Channel 7, Fort Myers, Florida) to southwest Florida, thereby serving the public interest, convenience and necessity. TFMI wishes to return WBSP-LP to the air in order to serve the public interest. A grant of this STA request would be in the public interest.

As immediate action is required, we hereby request expedited action on this request. In addition to the original and two copies transmitted this date by courier to the **FCC's** lockbox bank in Pittsburgh, a copy of this request has been hand-delivered this date to the LPTV Branch at the **FCC's** headquarters building in Washington.

The required filing fee of \$125.00, **FCC Form 159** and "Anti-Drug Abuse Act Certification" are attached to this submission.

Should additional information be desired in connection with this matter, kindly communicate with this office.

Very truly yours,



Dennis J. Kelly

ANTI-DRUG ABUSE ACT CERTIFICATION


The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. § 1.2002(b).

☒ Yes

☐ No

• Name of Applicant
• Tamiami Fort Myers,
• Incorporated

• Signature



• Date

• Title

• July 15, 1998

• President

Jules Cohen, P.E.
Consulting Engineer

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY
TAMIAMI FORT MYERS, INC.
WBSP-LP, NAPLES, FLORIDA**

Engineering Statement

This engineering statement was prepared on behalf of Tamiami Fort Myers, Inc., in support of a request for authority to operate channel **9** low power television station WASP-LP, Naples, Florida, at a temporary site pending the procurement of a new, ~~permanent~~ transmitting site. Permission has been denied by the owner to ~~permit~~ continued use of the location presently licensed to Tamiami Fort Myers, Inc. **A summary** of ~~data~~ pertinent to the temporary operation requested ~~may~~ be found in the tabulation accompanying this statement.

LOCATION

The ~~transmitter~~ and antenna for the proposed temporary operation are **to** be located on the MediaOne building at **301** Tower ~~Road~~, Naples, Florida. Geographic coordinates of ~~the~~ location (NAD **27** reference) are **as** follows:

**26° 03' 08" North
81° 42' 02" West**

Roof height of the building is 16 feet (**4.9** meters) above ground. **A** tripod mount on the roof will ~~place~~ the radiation center of the antenna 30 feet (**9.1** meters) above ground and **36** feet (**11** meters) ~~above mean~~ sea level.

EQUIPMENT

A 10-watt, type-approved transmitter will feed a Scala, Model TVO antenna through 50 feet (15.2 meters) of RG-8/U coaxial cable. Gain of the omnidirectional antenna is -3 dB. Efficiency of the transmission line is 70.8 percent. Effective radiated power on channel 9 will be 3.54 watts (0.00354 kW).

ALLOCATION CONSIDERATIONS

A search of the FCC database shows that the only authorized or applied for facility that required study is WPLG-DT, a construction permit issued as the companion digital operation for WPLG-TV, Miami, Florida. WPLG-DT is authorized to operate on channel 9 with average effective radiated power of 15.8 kW and antenna height above average terrain of 294 meters. The f(50,90), 36 dBμ, noise-limited contour of WPLG-DT extends 95.6 kilometers from the transmitting site, 53.7 kilometers from the proposed temporary location of WBSP-LP. The interfering f(50,10), 34 dBμ contour of the proposed WBSP-LP operation is found at only 13 kilometers from the station, approximately 40 kilometers short of the WPLG-DT 36 dBμ contour.

The closest full service adjacent channel station is WPLG-TV on channel 10. At the distance of 149.3 kilometers from the proposed WBSP-LP no interference could be caused to that NTSC station.

Jules Cohen, P.E.
Consulting Engineer

Engineering Statement
WBSP-LP, Naples, Florida

Page 3

No low power or translator stations on channels 8, 9 or 10 were found within 150 kilometers of the proposed WBSP-LP location.

The conclusion of the analysis is that, although minor interference **will be received** by WBSP-LP when WPLG-DT ~~is~~ activated, no ~~interference will~~ be **caused** to any authorized or applied for television operation.

I declare under penalty of perjury that the foregoing is true and correct.

Excuted on July 15, 1998.

A handwritten signature in black ink, appearing to read "Jules Cohen", with a stylized, cursive script.

Jules Cohen, P.E.

Jules Cohen, P.E.
Consulting Engineer

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY
TAMIAMI FORT MYERS, INC.
WBSP-LP, NAPLES, FLORIDA**

Engineering Specifications

Television channel 9

Location

Address 301 Tower Road
Naples, Florida

Geographic coordinates (NAD27) 26° 03' 08" N
81° 42' 02" W

Antenna

Make and model Scala TVO
Gain -3 dBd
Height above ground 9 meters
Height above mean sea level 11 meters

Transmitter output 10 watts

Transmission line

Type RG-8/U
Length 15 meters
Loss 1.5 dB
Efficiency 70.8%

Effective radiated power 3.54 watts

Exhibit C

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUL 23 1998

IN REPLY REFER TO: 1800E2
H.R.

Tamiami Fort Myers, Inc.
P. O. Box WKPT, 222 Commerce Street
Kingsport, TN 37662

In re: LPTV or TV Translator Station of:
Tamiami Fort Myers, Inc.
WBSP-LP, Channel 9, Naples, FL

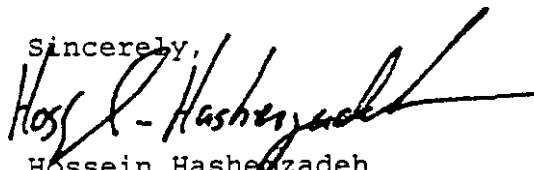
Gentlemen:

This is in reference to your request for Special Temporary Authority to operate the above-captioned proposed Low Power Television or Television Translator Station.

In light of the facts set forth therein, your request for Special Temporary Authority IS HEREBY GRANTED to operate the facility in accordance with the specifications in your letter of July 22, 1998. Effective Radiated Power: 0.00354 KW; Antenna make: Scala, Model: TVO (Omni); Frequency Offset: Zero; Height of antenna radiation center above ground: 9.1 meters; Height of antenna radiation center above mean sea level: 11.0 meters; Overall height of antenna structure above ground (including obstruction lighting, if any): 9.1 meters; Transmitting antenna coordinates: NL: 26-03-08, WL: 81-42-02; Transmitter output power: 0.010 KW. This authority is conditioned upon the avoidance of interference to any existing facilities, and subject to condition that you file application in next filling window.

This authority expires January 23, 1999, and is subject to the attached condition.

Sincerely,



Hossein Hashemzadeh
Supervisory Engineer, LPTV Branch
Video Services Division
Mass Media Bureau

cc: Dennis J. Kelly, Esquire

Call Sign: WBSP-LP

Naples, FL

Special operating condition or restriction:

1. The authorization is conditioned upon the use of a transmitter that has been type accepted or meets Commission type acceptance requirements at a visual carrier frequency tolerance of plus/minus 1 kHz.

Exhibit D

Law Office of
DENNIS J. KELLY
Post Office Box 6648
Annapolis, Maryland 21401

DUPLICATE

MEMBER, DISTRICT OF COLUMBIA BAR ONLY,
PRACTICE LIMITED TO FEDERAL COMMUNICATIONS LAW

TELEPHONE: 888-322-5291
202-293-2300

TELECOPIER: 410-626-1794
E-MAIL: d!fdlyfdnwl@nu*.com

September 10, 1998

RECEIVED

SEP 10 1998

Federal Communications Commission
Washington, D. C. 20554

Federal Communications Commission
Office of Secretary

RE: WBSP-LP, Naples, Florida
Request for STA to
Temporarily Be Silent

ALD7
SEP 15 9 49 AM '98
RECEIVED

Gentlemen:

On behalf of Tamiami Fort Myers, Inc., licensee of Low Power Television Station WBSP-LP, Naples, Florida, this is to report that station WBSP-LP temporarily left the air on August 7, 1998, and to request a Special Temporary Authorization to remain silent.

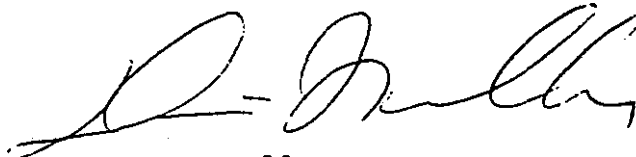
WBSP-LP, which operates on VHF Channel 9, had returned to the air pursuant to a Special Temporary Authorization at a transmitter site other than its licensed site. As it turned out, WBSP-LP's operations caused substantial interference to cable channel 9 on the cable television system serving Naples. As such, the station was temporarily turned off and Tamiami Fort Myers, Inc. is now studying the problem to determine a solution. It is our hope to return station WBSP-LP to the air as soon as possible.

An "Anti-Drug Abuse Act Certification" is appended to this request. The public interest, convenience and necessity would be well served by a grant of this STA request.

Federal Communications Commission
September 10, 1998
Page Two

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. Kelly", written in a cursive style.

Dennis J. Kelly

RECEIVED

SEP 10 1998

ANTI-DRUG ABUSE ACT CERTIFICATION

Federal Communications Commission
Office of Secretary

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a 'party' for these purposes, see 47 C.F.R. §1.2002(b).

☒ Yes☐ No

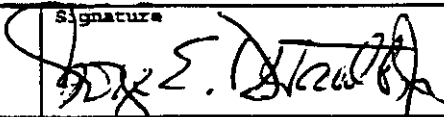
Name of Applicant	Signature
TAMiami FORT MYERS, INC.	
Date	Title
9/8/98	President

Exhibit E

Law Office of
DENNIS J. KELLY
Post Office Box 6648
Annapolis, Maryland 21401

DUPLICATE

MEMBER, DISTRICT OF COLUMBIA BAR ONLY;
PRACTICE LIMITED TO FEDERAL COMMUNICATIONS LAW

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202-293-2300

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E-MAIL: dkellyfcclaw1@msn.com

July 30, 1999 **RECEIVED**

Federal Communications Commission
Washington, D. C. 20554

JUL 30 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: WBSP-LP, Naples, Florida
Request for STA for Authority
to be Temporarily Silent

Gentlemen:

On behalf of Caloosa Television Corporation, licensee of Low Power Television Station WBSP-LP, Naples, Florida, this is to request a Special Temporary Authorization to be temporarily silent.

WBSP-LP had a "Special Temporary Authorization", granted by letter of the Commission dated May 27, 1999, to be temporarily silent through September 15, 1999.

On June 14, 1999, station WBSP-LP returned to the air, and operated continuously until June 22, 1999, when the station suffered what has been described by its Chief Engineer as a "massive transmitter failure".

Although as noted above there is in existence a "Special Temporary Authorization" lasting through September 15, 1999, we are filing this request out of an abundance of caution because station WBSP-LP returned to the air, and then involuntarily left the air. It is the intention of the licensee to return the station to the air as soon as practicable.

An "Anti-Drug Abuse Act Certification" is appended to this request.

Federal Communications Commission


July 30, 1999

Page Two

Therefore, the public interest, convenience and necessity would be served by a Commission grant of this special temporary authorization.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Kelly", written in a cursive style.

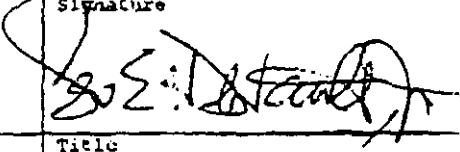
Dennis J. Kelly

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. §1.2002(b)

☒ Yes

☐ No

Name of Applicant CALOOSA TELEVISION CORPORATION	Signature 
Date 7/30/99	Title President